

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MIDFIRST BANK,)	
)	
)	PLAINTIFF,) NO.10-cv-822-JPG-PMF
)	
VS.)	
)	
ALAN WOODROW; SECRETARY OF HOUSING AND)	
URBAN DEVELOPMENT; UNITED STATES OF)	
AMERICA; UNKNOWN HEIRS AND LEGATEES OF)	
ALAN L WOODROW, IF ANY; UNKNOWN OWNERS)	
AND NON RECORD CLAIMANTS;)	
)	
)	DEFENDANTS.)

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Midfirst Bank's motion to dismiss defendants Unknown Heirs and Legatees of Alan L. Woodrow and Unknown Owners and Non-Record Claimants (Doc. 17). The Court construes this as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action against a party without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The defendants sought to be dismissed have not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss those defendants at the present time, the Court finds that the plaintiff's claims against defendants Unknown Heirs and Legatees of Alan L. Woodrow and Unknown Owners and Non-Record Claimants are **DISMISSED**

without prejudice and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. The motion to dismiss (Doc. 17) is rendered **MOOT** by this order.

IT IS SO ORDERED:

Date: October 7, 2011

s/J. Phil Gilbert

J. Phil Gilbert

United States District Judge